

IN RE: PETITION FOR VARIANCE
E/S Glenwilde Road, 50' S of
the c/l of Moorefield Road
(1319 Glenwilde Road)
1st Election District
1st Councilmanic District

Ronald Rodriquez, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-281-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1319 Glenwilde Road, located in the subdivision of Westview Park in Catonsville. The Petition was filed by the owners of the property, Ronald and Rose Rodriquez. The Petitioners seek relief from Sections 427 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing fence height of 48 inches in lieu of the maximum permitted 42 inches, and to permit an accessory structure (detached carport) to be located in the front yard in lieu of the required rear yard. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Ronald and Rose Rodriquez, property owners. Appearing in opposition to the request were Robert and Susan Kennedy, adjoining property owners to the rear of this site, and Anna L. Yakel, who resides across from the subject site.

Testimony and evidence offered revealed that the subject property is located at the corner of Glenwilde and Moorefield Roads and consists of 0.174 acres, more or less, zoned D.R. 5.5. The property is improved with a 1.5 story dwelling, paved macadam driveway, and a 4-foot high fence which runs from the south side of the dwelling facing Glenwilde Road to

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3/30/95
[Signature]
[Signature]
[Signature]

MICROFILMED

the south side property line, down the south side property line to the rear property line, and across the rear property line to the north side of the subject site at Moorefield Road. The Petitioners were advised to file the instant Petition as a result of a complaint filed by the adjoining property owners as to the location of the fence, which actually abuts the front yard of their property. In addition to the request for variance from fence height restrictions, the Petitioners are desirous of constructing a detached carport in the front yard of their property in accordance with Petitioner's Exhibit 1. Testimony presented by the Petitioners revealed that they recently installed a board-on-board wooden picket fence around the boundary of their property for the purpose of securing their two dogs. Mr. & Mrs. Rodriguez testified that they hired the Abbey Fence Company to install this fence and to secure the requisite permits for same. Testimony revealed that a permit was obtained and the fence was constructed on the property in the location shown on Petitioner's Exhibit 1. Shortly after the fence was constructed, however, the Petitioners were advised that the fence was in violation of the zoning regulations in that the fence was 48 inches high in lieu of the 42 inches permitted. Due to the fact that the Petitioners' rear yard actually abuts the front yard of the adjoining property owned by the Protestants, the height of the fence that can be constructed on their property line is restricted.

After learning of this discrepancy, the Petitioners removed the top 8 inches of the picket fence along the entire rear property line which abuts the Kennedys front yard. The fence along the rear property line is now 40 inches high, 2 inches below the permitted 42-inch height imposed by the B.C.Z.R. There still remains, however, an issue over the height of the fence along the Petitioners' side yard and whether that fence must be

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Date 3/30/95
By [Signature]

lowered to 42 inches. This involves a matter of interpretation of Section 427 of the B.C.Z.R. Photographs of the fence were entered into evidence by the Petitioners and offer a clear understanding of the situation as it presently exists. The Petitioners believed that it was only the rear portion of the fence that needed to be lowered; however, the Kennedys argued that not only should the rear portion of the fence be lowered, but also that portion of the fence which runs along the south side of the Petitioners' property, adjoining theirpanhandle driveway. After reviewing Section 427 of the B.C.Z.R., it is clear that the entire fence must be no greater than 42 inches in height. Therefore, in order for the fence to remain as it presently exists, a variance is necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

Considering the strong opposition of the testimony offered by the Kennedys and Ms. Yakel, I do not believe it to be in the best interests of the community to grant the variance for the height of the fence.

ORDER RECEIVED FOR FILING
Date 5/30/95
By [Signature]

Thus, the Petitioners shall be required to reduce the height of their fence to that permitted by the B.C.Z.R. In the opinion of this Deputy Zoning Commissioner, removing the top 6 inches only will result in an unsightly condition; however, the fence will comply with the requirements of the B.C.Z.R., and that is what the Kennedys and Ms. Yakle insist upon.

Turning next to the second variance requested, I believe that for the same reasons the variance to fence height restrictions was denied, this variance should also be denied. It is the opinion of this Deputy Zoning Commissioner that should a carport be constructed, it should be erected over the existing concrete parking pad. However, in order to place the proposed carport over the existing parking pad, the requested variance is necessary. Due to the strong opposing testimony presented by Mr. & Mrs. Kennedy and Mrs. Yakle, it appears that the variance should be denied. This, in effect, will force Mr. & Mrs. Rodriguez, should they desire a carport, to locate same in their rear yard which will be much closer to the front door of the Kennedys. Just as in the case of the height of the fence, this will work an even more unsightly detriment to the Kennedys than if the carport were to be constructed over the existing parking pad. Be that as it may, it does not appear to be in the best interests of the community to grant the variance, due to the strong opposition of these neighbors. Therefore, this variance request shall be denied.

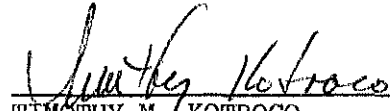
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of March, 1995 that the Petition for Variance seeking relief from Sections 427 and 400.1 of the Baltimore Coun-

ORDER RECEIVED FOR FILING
Date 3/30/95
By [Signature]

ty Zoning Regulations (B.C.Z.R.) to permit an existing fence height of 48 inches in lieu of the maximum permitted 42 inches, and to permit an accessory structure (detached carport) to be located in the front yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED, and is subject to the following restrictions:

- 1) The Petitioners are hereby made aware that a 30-day appeal period runs from the date of this Order, during which time any party may file an appeal. In the event an appeal is filed and this Order is reversed, the relief denied herein shall be null and void.
- 2) Within sixty (60) days of the date of this Order, the Petitioners shall reduce the height of the remaining fence to no greater than 42 inches, the maximum height permitted by the B.C.Z.R.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

3/31/95

By



Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 30, 1995

Mr. & Mrs. Ronald Rodriquez
1319 Glenwilde Road
Catonsville, Maryland 21228

RE: PETITION FOR VARIANCE
E/S Glenwilde Road, 50' S of the c/l of Moorefield Road
(1319 Glenwilde Road)
1st Election District - 1st Councilmanic District
Ronald Rodriquez, et ux - Petitioners
Case No. 95-281-A

Dear Mr. & Mrs. Rodriquez:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Robert L. Kennedy
1317 Glenwilde Road, Catonsville, Md. 21228

Ms. Anna L. Yakel
1314 Glenwilde Road, Catonsville, Md. 21228

People's Counsel

File





Petition for [REDACTED] Variance
to the Zoning Commissioner of Baltimore County
for the property located at 1319 Glenwilde Road
which is presently zoned DR 5.5

95-281-A

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 427 & 400.1 (BCZR)

To allow an existing fence height of 48 inches in lieu of the maximum 42 inches and to allow an accessory structure (detached carport) in the front yard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

A. See attached sheet for Fence Undue Hardship

B. See attached sheet for Car Port Undue Hardship

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee

(Type or Print Name) 1317

Signature [Signature]

Address Robert Kennedy

City _____ State _____ Zipcode _____

Attorney for Petitioner

(Type or Print Name) _____

Signature _____

Address _____ Phone No. _____

City _____ State _____ Zipcode _____

Legal Owner(s)

(Type or Print Name) Ronald Rodriguez

Signature [Signature]

(Type or Print Name) Rose Rodriguez

Signature [Signature] (301) 286-6898
(410) 744-7318

Address 1319 Glenwilde Road Phone No. (410) 744-9318

City Catonsville State MD Zipcode 21228

Name, Address and phone number of representative to be contacted

Name _____

Address _____ Phone No. _____

A Public Hearing having been requested and/or found to be required, It is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: [Signature] DATE: 2/4/95

ESTIMATED POSTING DATE: 2/19/95



Printed with Soybean Ink
on Recycled Paper

ITEM #: 275

ORDER RECEIVED FOR FILING

Date 3/30/95

By [Signature]

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1319 Glenwilde Road
address

Catonsville, MD 21228
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

(i) Property is a corner lot. The back and one side of the property abut the front and entrance of another property. Additionally, the MAC parking pad is located in the inside front of the applicants' property, in communication with a shared entranceway. These attributes place the property under an unusual number of zoning restrictions, unfairly restricting the applicants in the use of their property.

(ii) No other property in the zoning district has the peculiarities described above.

(iii) All of the attributes described exist as was built by the previous owner.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]
(signature)
Ronald Rodriguez
(type or print name)



[Signature]
(signature)
Rose Therese Rodriguez
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3rd day of Feb., 19 95, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Ronald Rodriguez - Rose Therese Rodriguez

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

2/3/95
date

[Signature]
NOTARY PUBLIC

My Commission Expires:

BARBARA BARAHONA
NOTARY PUBLIC
STATE OF MARYLAND
MY COMMISSION EXPIRES DEC. 10, 1997

95-281-A

Fence Undue Hardship:

(I) Applicant must be unable to secure a reasonable return or make any reasonable use of property (mere financial hardship or opportunity for greater profit is not enough).

Applicants will be unable to properly secure property. Additionally, the property will be greatly defaced.

(ii) The difficulties or hardship is peculiar to the subject property in contrast with other properties in the zoning district.

The applicants' plot was divided in a very unusual way. The plot was divided such that it is:

- (1) a corner lot,
- (2) the back and one side abut the front of another property, and
- (3) the inner rear corner abuts the neighbors driveway.

No other property in the zoning district has these constraints.

(iii) Hardship was not the result of the applicant's own actions:

Applicant called the zoning office about any and all zoning restrictions regarding fence construction. A building permit was obtained prior to building the fence by the fence contractor. Neither the zoning office nor the fence contractor alerted the applicants to any inconsistencies in the fence's construction.

Car Port: Undue Hardship:

(I) Applicant will be unable to protect vehicles from the weather if not allowed to build a carport. Placement of the carport in the typically required space will block the view of the neighbors house, would require destruction and removal of an already existing MAC pad, and greatly diminish the size of an already small back yard.

(ii) Property is a corner lot with the parking pad located in the front, adjacent to a drive way which is shared by three residences. No other property in the zoning district has these peculiarities.

(iii) Property is less than 2 years old and exists as built by the previous owner. Car port should be built on the front inside corner of the property, where the MAC parking pad is already located. In this way, the original intention of the construction is maintained.

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Zoning Description

ZONING DESCRIPTION FOR 1319 Glenwilde Road

Election District 1

Councilmanic District 1

Beginning at a point on the east side of Glenwilde Road which is 50 feet wide at a distance of 50 feet south of the centerline of the nearest improved intersecting street Moorefield Road which is 50 feet wide. *Being Lot #2, Block 1300, Section #8 in the subdivision of Westview Park as recorded in Baltimore County Plat Book #64, Folio #41, containing 0.174 Acres and 7,563 Square Feet.

275

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

93-281-A

District 1st Date of Posting 7/17/95

Posted for: Voronica

Petitioner: Ronald & Rose Rodriguez

Location of property: 1319 Glen Wilco Rd, Eps

Location of Signs: Facing road way, on property being zoned.

Remarks: _____

Posted by M. H. Kelly Date of return: 7/24/95
Signature

Number of Signs: 1



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-281-A
(Item 275)

1319 Glenwilde Road
E/S Glenwilde Road, 50' S
of W Moorefield Road
1st Election District
1st Councilmanic

Legal Owner(s):

Ronald Rodriguez and
Rose Rodriguez

Hearing: Friday,
March 10, 1995 at 2:00
p.m. in Rm. 106, County Of-
fice Building.

Variance to allow an existing
fence height of 48 inches in lieu
of the maximum 42 inches and
to allow an accessory structure
(detached carport) in the front
yard in lieu of the required rear
yard.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible; for special ac-
commodations Please Call
887-3353.

(2) For information concern-
ing the File and/or Hearing, Please
Call 887-3391.
2/282 February 23.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

2/23, 1995

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 2/23, 1995.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

~~Publication~~



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-281-A

Account: R-001-6150

Number # 275

Date

2/6/95

Taken by: JRF

RODRIGUEZ -- 1319 GLENWILDE RD.

OIO -- Variance --- \$ 50.00

O&O -- Sign \$ 35.00

\$ 85.00

PAID BY
2/6/95

RECEIVED 3/5/95
BALTIMORE COUNTY

589000

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

A handwritten signature in cursive script, reading "Arnold Jablon".

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 275

Petitioner: RON and ROSE RODRIGUEZ

Location: 1319 Glenwilde Rd Catonsville MD 21228

PLEASE FORWARD ADVERTISING BILL TO:

NAME: RON RODRIGUEZ

ADDRESS: 1319 Glenwilde Rd
Catonsville MD 21228

PHONE NUMBER: (410) 744-9318

TO: PUTUXENT PUBLISHING COMPANY
2/23/95 Issue - Jeffersonian

Please forward billing to:

Ron Rodriquez
1319 Glenwilde Road
Catonsville, MD 21228
410-744-9318

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-281-A (Item 275)
1319 Glenwilde Road
E/S Glenwilde Road, 50' S of c/l Moorefield Road
1st Election District - 1st Councilmanic
Legal Owner(s): Ronald Rodriquez and Rose Rodriquez
HEARING: FRIDAY, MARCH 10, 1995 at 2:00 p.m. in Room 106, County Office Building.

Variance to allow an existing fence height of 48 inches in lieu of the maximum 42 inches and to allow an accessory structure (detached carport) in the front yard in lieu of the required rear yard.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

FEBRUARY 16, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-281-A (Item 275)

1319 Glenwilde Road

E/S Glenwilde Road, 50' S of c/l Moorefield Road

1st Election District - 1st Councilmanic

Legal Owner(s): Ronald Rodriguez and Rose Rodriguez

HEARING: FRIDAY, MARCH 10, 1995 at 2:00 p.m. in Room 106, County Office Building.

Variance to allow an existing fence height of 48 inches in lieu of the maximum 42 inches and to allow an accessory structure (detached carport) in the front yard in lieu of the required rear yard.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Ronald and Rose Rodriguez
Robert Kennedy

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 2, 1995

Mr. and Mrs. Ronald Rodriguez
1319 Glenwilde Road
Catonsville, Maryland 21228

RE: Item No.: 275
Case No.: 95-281-A
Petitioner: Ronald Rodriguez

Dear Mr. and Mrs. Rodriguez:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on February 06, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED





Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

2-21-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: \$ 275 (JRF)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2268 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: February 27, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for February 27, 1995
Items 275, 276, 278, 280 and 282.

The Developers Engineering Section has reviewed
the subject zoning item and we have no comments.

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: February 22, 1995

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 275, 279, and 282

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Clem

PK/JL

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 02/16/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF FEB. 21, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 265, 275, 276, 277,
278, 279, 280 AND 282.

RECEIVED
FEB 21 1995
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MG-1102F

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 27 3-1-95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 2-21-95

The Department of Environmental Protection & Resource Management has (no) comments for the following Zoning Advisory Committee Items:

Item #'s: 265
274
275 ✓
277
279
280
281
282

Brian Seely
3-1-95

LS:sp

LETTY2/DEPRM/TXTSBP

W/CR/11/11/95

RE: PETITION FOR VARIANCE	*	BEFORE THE
1319 Glenwilde Road, E/S Glenwilde Road,	*	ZONING COMMISSIONER
50' S of c/l Moorefield Road, 1st	*	OF BALTIMORE COUNTY
Election District, 1st Councilmanic	*	CASE NO. 95-281-A
Ronald and Rose Rodriguez		
Petitioners		
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of February, 1995, a copy of the foregoing Entry of Appearance was mailed to Ronald and Rose Rodriguez, 1319 Glenwilde Road, Baltimore, MD 21228, Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Section 427--FENCES. [Bill No. 111, 1986; See Section 515.1
BOCACode.]

- A. A residential occupancy fence may not be erected in the rear or side yard of a lot which adjoins the front yard of another on which a residence has been built, except in accordance with the provisions of this section. [Bill No. 111, 1986.]
- B. The fence height shall be limited as follows:

	DISTANCE BETWEEN FENCE AND FRONT YARD PROPERTY LINE			
	0'-10'	10'-20'	20'-30'	OVER 30'
Maximum Fence Height	42"	48"	60"	NO LIMIT

[Bill No. 111, 1986.]

- C. Any person may request a variance from the requirements of Subsection (B). [Bill No. 111, 1986.]
- D. 1. This section does not apply to a fence required by Section 18-20 of the code to be constructed in order to screen a swimming pool. This section shall apply prospectively only, and shall not affect nor apply to the maintenance, repair or replacement of a fence erected prior to the effective date of this enactment.
2. This section does not apply if the residences on the adjoining lots are more than 200 feet apart. [Bill No. 111, 1986.]



March 8, 1995

To Whom It May Concern:

I am a resident on 1312 Glenwild Road Baltimore, Md. 21228. It is my opinion that the construction of a carport across the street would take away from the natural ambiance of the community. A structure such as the one proposed will be highly visible and look cumbersome to the neighborhood.

I do not believe that the developers of this community intended such construction projects. This is evident in the fact that space is very limited in this area.

Please be advised that I do not support nor approve of the development of a car port on Glenwild Road or any road in Westview Park.

Sincerely,

A handwritten signature in dark ink, appearing to read "G/K" or "G/Kahl", written in a cursive style.

Craig Kahl

Westview Park Improvement and Civic Association, Inc.

6400 Baltimore National Pike
BOX 281
CATONSVILLE, MD 21228

March 9th. 1995

**WPICA
c/o Charlene Owings
900 Marksworth Road
Baltimore, Maryland 21228**

**Mr Arnold Jablon
111 W. Chesapeake Ave.
Towson , Maryland 21204**

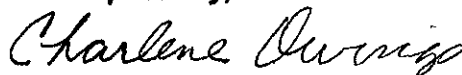
re: Case # 95-281-A (Item 275)

Dear Mr. Jablon,

This letter is to express our concern and objection to the issuance of any variances for an existing fence located at 1319 Glenwilde rd. The fence was installed in violation of current zoning codes, and since the installation a large section of the fence has been modified to conform to code.

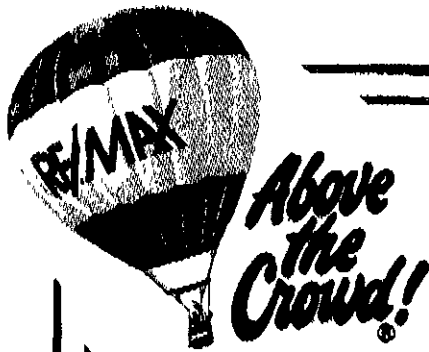
The Association also strongly objects to the issuance of any variances or permits pertaining to the construction of any structures, such as an accessory building (detached carport) in the front yard of this or any other residence in Westview Park. This would not conform with the existing layouts of the homes in the community and in all probability depreciate property values in the community.

Respectfully,



**Charlene Owings
President WPICA**

Handwritten note: 2/23/95 10:00



March 9, 1995

Dear Mr. & Mrs. Kennedy,

Concerning your property at 1317 Glenwilde Road, Baltimore, MD 21228, it is my opinion that your neighbor's parking pad and fence have a negative impact on your property's curb appeal and ultimate sales price.

Your property would be more difficult to market and you would probably have to accept a reduced sales price compared to the property without the neighbor's parking pad and fence.

If you have any questions, please call me.

Sincerely,

Mitch Burke

Mitch Burke
RE/MAX Results Realty
Associate Broker, CRS, GRI

RECEIVED



RE/MAX Results Realty
7939 Honeygo Blvd., #127
Baltimore, Maryland 21236
Phone: (410) 931-9200
Toll Free: 1-800-548-4962
Each Office Independently Owned and Operated

1316 Glenwilde Rd.
Baltimore, Maryland 21228
March 8, 1995

To Whom It May Concern,

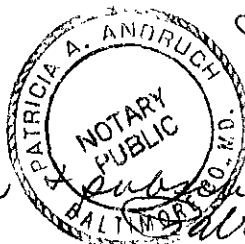
I am writing this letter to protest the building of a carport on the house at Moorfield and Glenwilde Rd. The houses on this property have been built in such a manner that uniformity of the street has already been greatly affected. A carport along with the existing fence, I feel, would further detract from the neighborhood appearance.

As a long term homeowner I am concerned about property value and hope that a carport will not be built.

Thank you for your attention to this matter.

MICROFILMED

STATE OF MARYLAND
COUNTY OF BALTIMORE
9th day of March 1995



Sincerely,
Patricia Rites

Given

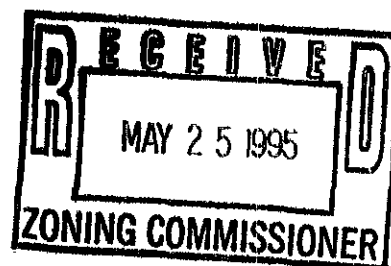
Subscribed before me this
Patricia A. Andruch Notary Public

File

May 22, 1995

Mrs. Rose Therese Rodriguez
1319 Glenwilde Road
Catonsville, MD 21228

Mr. Timothy Kotroco
Deputy Zoning Commissioner
for Baltimore County
Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204



Dear Mr. Kotroco:

I am writing in reference to the ruling you issued for case number 95-281-A. According to your ruling, my husband and I must lower the side of our fence by at least six inches within sixty days after March 30th. I spoke to you over a month ago to express that we are having difficulty in coming to a decision about cutting down our fence and making it presentable. At that time, I asked if it was possible to receive an extension to comply beyond the sixty days. You informed me that it may be possible, and that we should keep you informed. I am, therefore, requesting that you give us a written extension to comply with your ruling. Please let us know your decision as soon as possible. If you need to call me, my phone number is (410)744-9318.

Thank you,

Rose Therese Rodriguez

Rose Therese Rodriguez

MARGARET M. CARR
1400 GLENWILDE ROAD
CATONSVILLE, MD 21228

for 10 March 1995

Baltimore County Zoning Department
Towson, MD

r.e. Case # 95-281-A
Address: 1319 Glenwilde Rd.


Per the posted zoning notice referenced above, below are my comments:

I have no objection to the 48" high fence provided that it is of a see-through variety such as a chain-link fence or split-rail with wire. I realize that the dogs need to be contained, and a fence of some type is required. However, this house is in the front yard of a rather stately home and the owners need to be sensitive to this.

I do strongly object to a structure of ANY SORT being erected in the front yard of the house. This home barely meets the 25' setback required in our neighborhood and any structure in the front yard would not only violate this, but also be an eyesore and certainly not in keeping with the neighborhood. I do not object to a carport, just to its proposed placement. Also, again, this home is the front yard of a historic mansion in our town and the owners AND ZONING DEPARTMENT need to be aware of this.

For any additional, please do not hesitate to contact me on 788-0209.

Sincerely yours,


Margaret M. Carr
co-owner

MICROFILM

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME
ROBERT L. KENNEDY

Susan H. Kennedy

ANNA LOU YAKEL

ADDRESS
1317 GLENWILDE ROAD
CATONSVILLE MD. 21228

1317 Glenwilde Rd
Catonsville, Md 21228

1314 GLENWILDE RD
BALTO, MD 21228



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Rose Therese Rodriguez

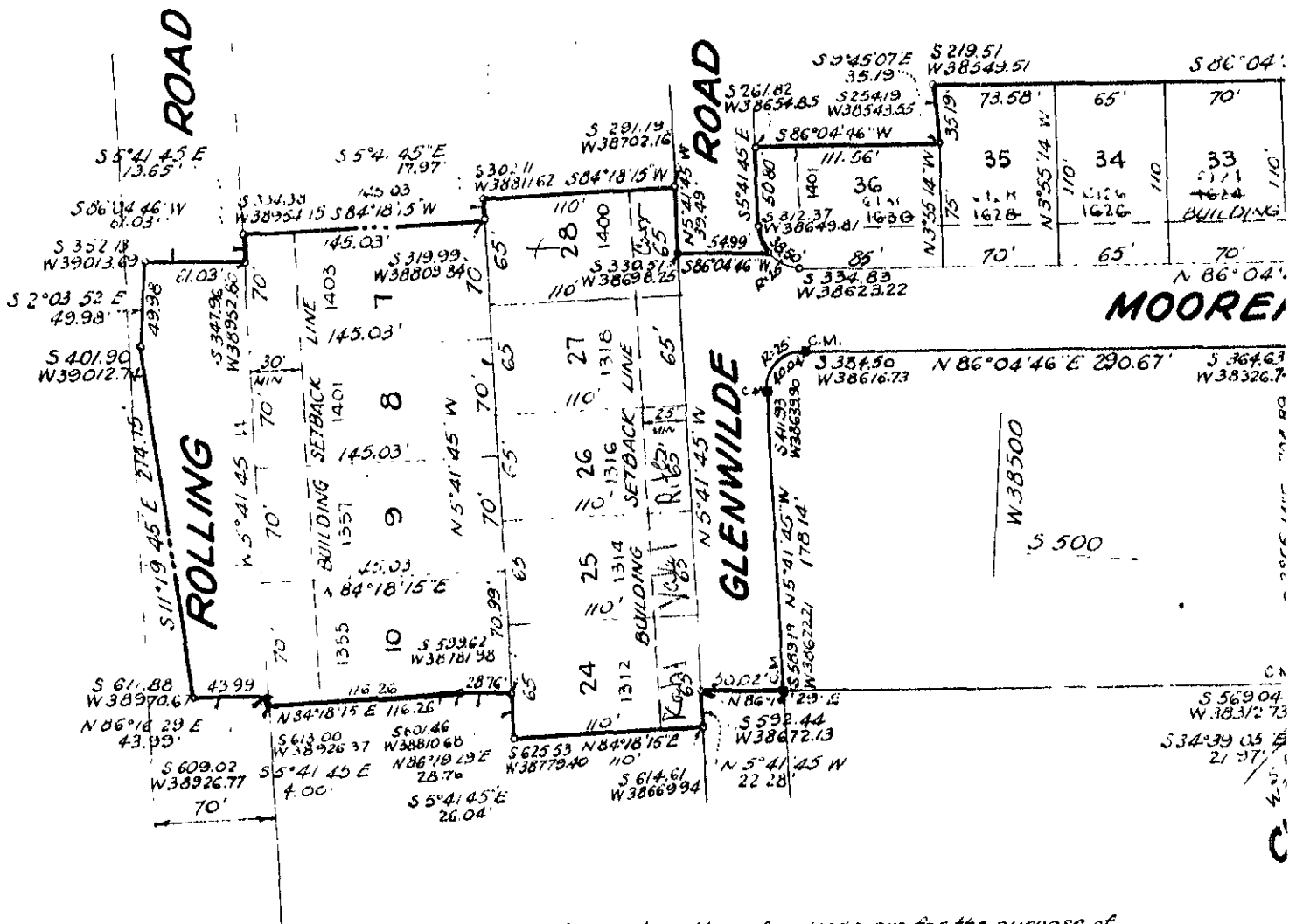
1319 Glenwilde Road 21228

RONALD Rodriguez

1319 Glenwilde Road



COVAD 5-1-1



The streets and/or roads as shown hereon and the mention thereof in deeds are for the purpose of description only, and the same are not intended to be dedicated to public use; the fee simple title thereof is expressly reserved in the grantors of the deed to which this plat is attached, their heirs and assigns.

Coordinates shown hereon are based on Baltimore County Metropolitan District Coordinate System

The requirements of Sections 71 to 74 of Article 17 of the Annotated Code of Md., 1951 Edition (Title 'Clerks of Court, Subtitle Clerks of Circuit Courts') as far as they relate to the making of this plat & setting of markers have been complied with.

By Declaration to be hereafter recorded an easement will be reserved by the North Point Land Co. in the rear five feet of each lot for sewers, utilities and surface drainage, and whenever desired by it (corner thereon with respect to lots it pertains to be built upon for their entire width) an additional easement three feet wide in the lot for storm water sewers and surface drainage at one or both sidelines thereof.

NORTH POINT LAND CO.

MICHAEL B. GLENWILDE

I hereby certify that the foregoing is a true and correct copy of the original.

Charles W. Gae

VICE PRESIDENT

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1319 Glenwilde Rd

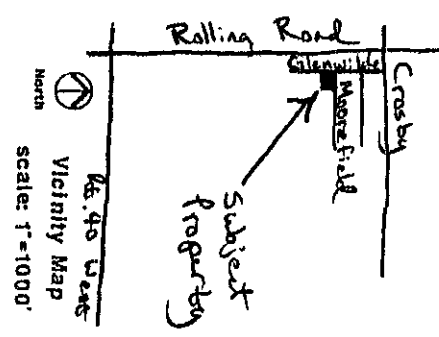
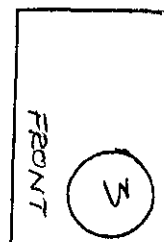
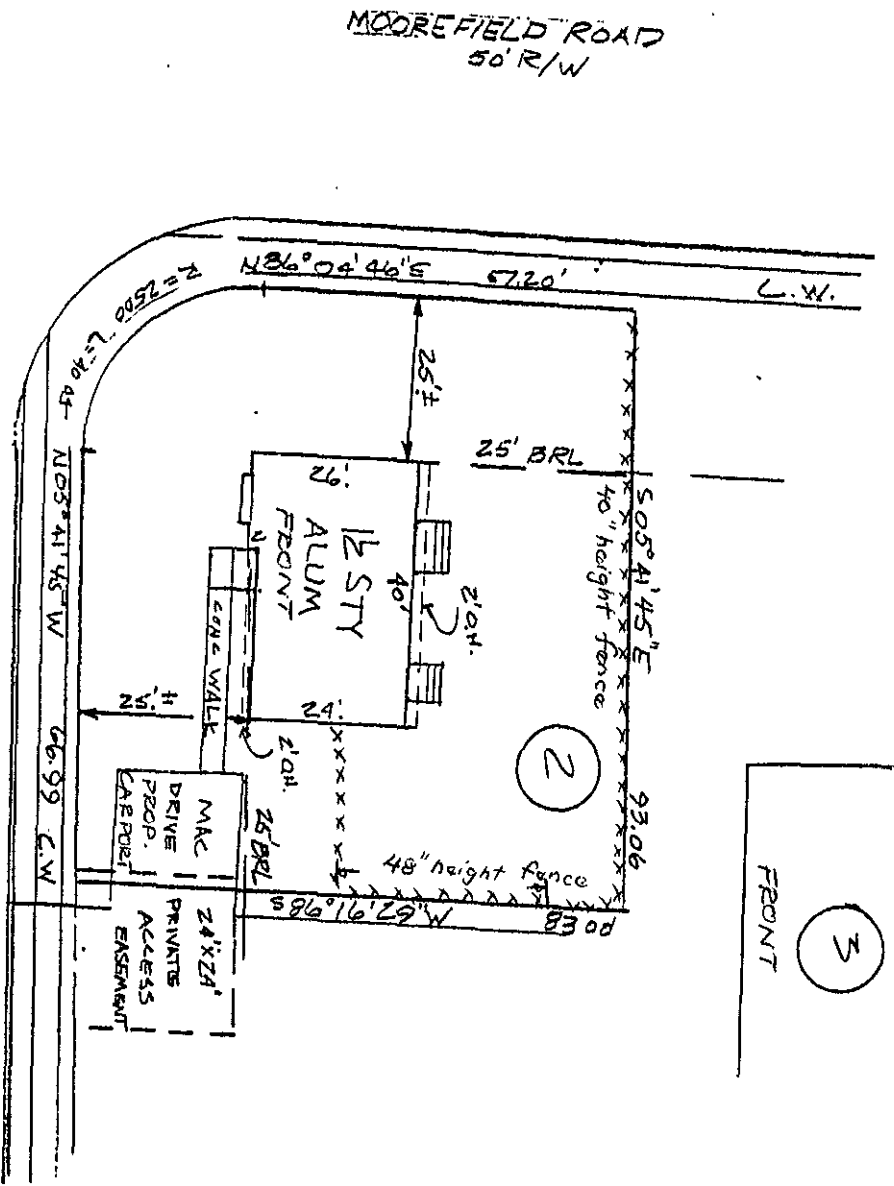
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Westview Park

plat book# C4, folio# 41, lot# 2, section# 8

OWNER: Ronald & Rose Rodriguez

95-281-A



LOCATION INFORMATION

Election District: 1
Councilmanic District: 1

1"=200' scale map#: SW-16

Zoning: DE 5.5

Lot size: 0.174 acreage 7563 square feet

SEWER: ☒ public ☐ private
WATER: ☒ yes ☐ no
Chesapeake Bay Critical Area: ☐ yes ☒ no
Prior Zoning Hearings: No

PETITIONER'S GLENWILDE ROAD
EXHIBIT NO. 1
50' R/W

North
date: 12/11/94
prepared by: R.T.R.
Scale of Drawing: 1" = 30'

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

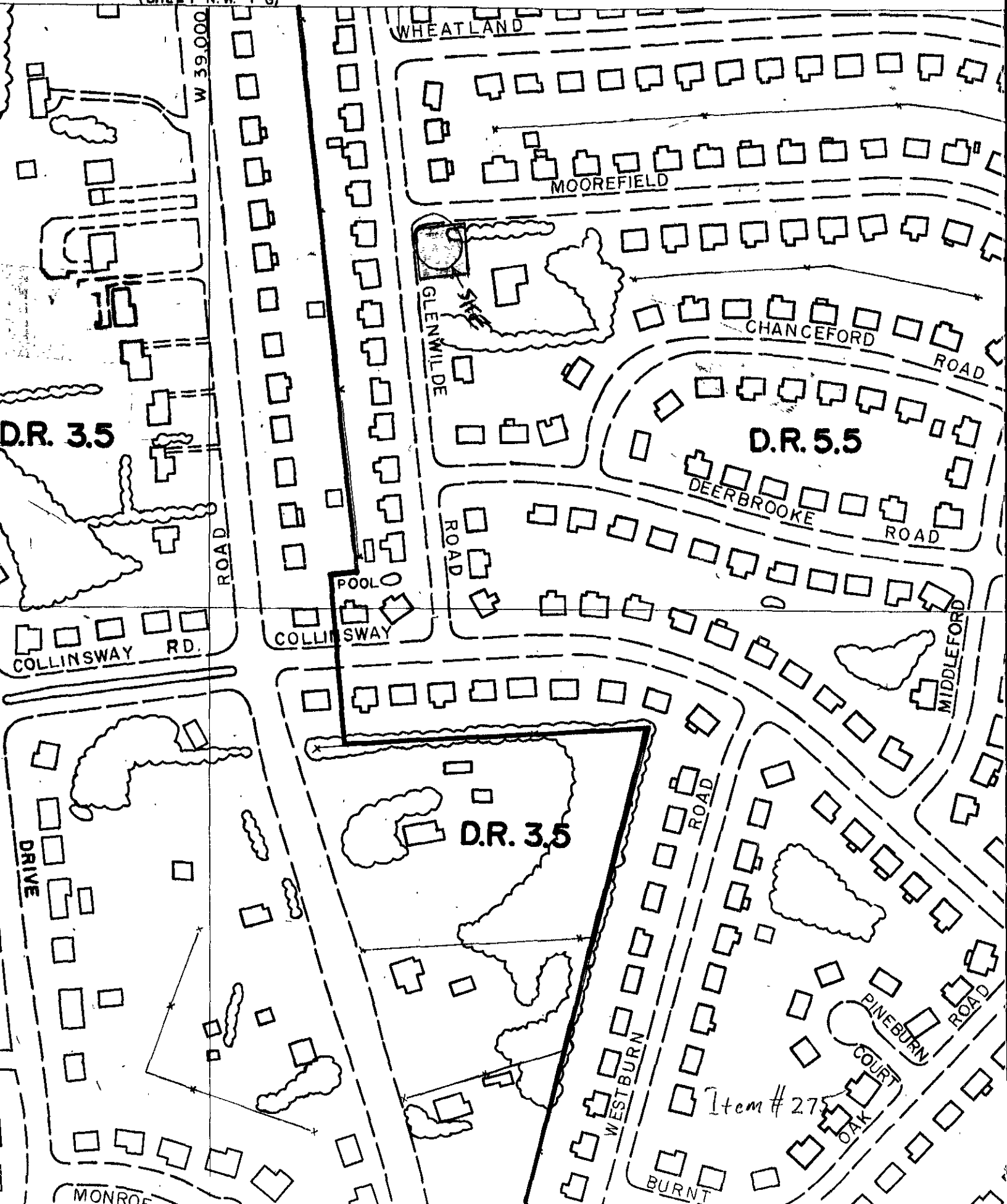
275

275

SW 1 G

SW

(SHEET N.W. - I-G)



PETITIONER(S) EXHIBIT ()

Side View of
Fence

— This is side which
currently stands @ 48"

**PETITIONER'S
EXHIBIT NO. 2**

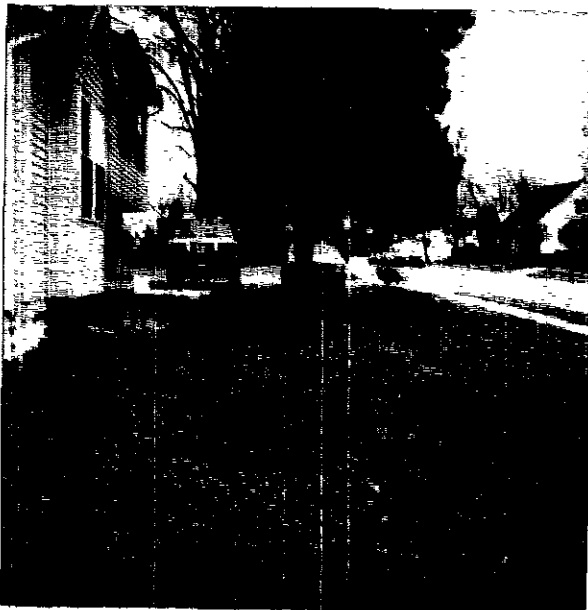
View Showing
relationship of
two neighboring
Homes.

275

MICROFILM

PETITIONER(S) EXHIBIT ()

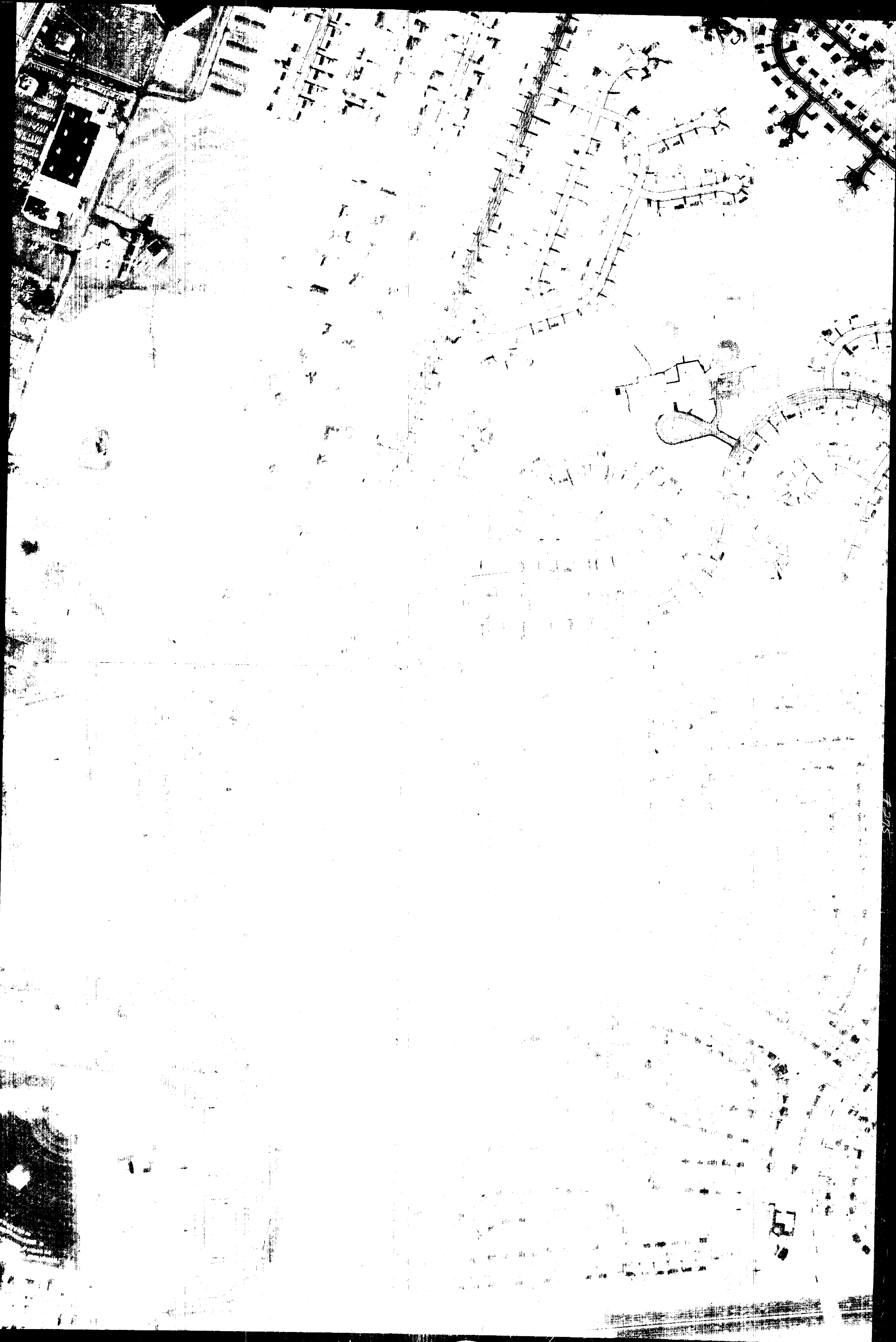
Front yard
Showing current
Parking Pad (MNC Pad)



Different View
of Parking Pad
and Front yard

#275





BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	<i>Microfilmed</i> CATONSVILLE	S.W. 1-G
DATE OF PHOTOGRAPHY JANUARY 1986		

95-281-A

IN RE: PETITION FOR VARIANCE
E/S Glenwilde Road, 50' S of
the c/l of Moorefield Road
(1319 Glenwilde Road)
1st Election District
1st Councilmanic District
Ronald Rodriguez, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-281-A
*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1319 Glenwilde Road, located in the subdivision of Westview Park in Catonsville. The Petition was filed by the owners of the property, Ronald and Rose Rodriguez. The Petitioners seek relief from Sections 427 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing fence height of 48 inches in lieu of the maximum permitted 42 inches, and to permit an accessory structure (detached carport) to be located in the front yard in lieu of the required rear yard. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Ronald and Rose Rodriguez, property owners. Appearing in opposition to the request were Robert and Susan Kennedy, adjoining property owners to the rear of this site, and Anna L. Yakel, who resides across from the subject site.

Testimony and evidence offered revealed that the subject property is located at the corner of Glenwilde and Moorefield Roads and consists of 0.174 acres, more or less, zoned D.R. 5.5. The property is improved with a 1.5 story dwelling, paved macadam driveway, and a 4-foot high fence which runs from the south side of the dwelling facing Glenwilde Road to

the south side property line, down the south side property line to the rear property line, and across the rear property line to the north side of the subject site at Moorefield Road. The Petitioners were advised to file the instant Petition as a result of a complaint filed by the adjoining property owners as to the location of the fence, which actually abuts the front yard of their property. In addition to the request for variance from fence height restrictions, the Petitioners are desirous of constructing a detached carport in the front yard of their property in accordance with Petitioner's Exhibit 1. Testimony presented by the Petitioners revealed that they recently installed a board-on-board wooden picket fence around the boundary of their property for the purpose of securing their two dogs. Mr. & Mrs. Rodriguez testified that they hired the Abbey Fence Company to install this fence and to secure the requisite permits for same. Testimony revealed that a permit was obtained and the fence was constructed on the property in the location shown on Petitioner's Exhibit 1. Shortly after the fence was constructed, however, the Petitioners were advised that the fence was in violation of the zoning regulations in that the fence was 48 inches high in lieu of the 42 inches permitted. Due to the fact that the Petitioners' rear yard actually abuts the front yard of the adjoining property owned by the Protestants, the height of the fence that can be constructed on their property line is restricted.

After learning of this discrepancy, the Petitioners removed the top 8 inches of the picket fence along the entire rear property line which abuts the Kennedys front yard. The fence along the rear property line is now 40 inches high, 2 inches below the permitted 42-inch height imposed by the B.C.Z.R. There still remains, however, an issue over the height of the fence along the Petitioners' side yard and whether that fence must be

- 2 -

ORDER RECEIVED FOR FILING
Date 3/24/95
By [Signature]

lowered to 42 inches. This involves a matter of interpretation of Section 427 of the B.C.Z.R. Photographs of the fence were entered into evidence by the Petitioners and offer a clear understanding of the situation as it presently exists. The Petitioners believed that it was only the rear portion of the fence that needed to be lowered; however, the Kennedys argued that not only should the rear portion of the fence be lowered, but also that portion of the fence which runs along the south side of the Petitioners' property, adjoining their panhandle driveway. After reviewing Section 427 of the B.C.Z.R., it is clear that the entire fence must be no greater than 42 inches in height. Therefore, in order for the fence to remain as it presently exists, a variance is necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

Considering the strong opposition of the testimony offered by the Kennedys and Ms. Yakel, I do not believe it to be in the best interests of the community to grant the variance for the height of the fence.

- 3 -

ORDER RECEIVED FOR FILING
Date 3/24/95
By [Signature]

Thus, the Petitioners shall be required to reduce the height of their fence to that permitted by the B.C.Z.R. In the opinion of this Deputy Zoning Commissioner, removing the top 6 inches only will result in an unsightly condition; however, the fence will comply with the requirements of the B.C.Z.R., and that is what the Kennedys and Ms. Yakel insist upon.

Turning next to the second variance requested, I believe that for the same reasons the variance to fence height restrictions was denied, this variance should also be denied. It is the opinion of this Deputy Zoning Commissioner that should a carport be constructed, it should be erected over the existing concrete parking pad. However, in order to place the proposed carport over the existing parking pad, the requested variance is necessary. Due to the strong opposing testimony presented by Mr. & Mrs. Kennedy and Mrs. Yakel, it appears that the variance should be denied. This, in effect, will force Mr. & Mrs. Rodriguez, should they desire a carport, to locate same in their rear yard which will be much closer to the front door of the Kennedys. Just as in the case of the height of the fence, this will work an even more unsightly detriment to the Kennedys than if the carport were to be constructed over the existing parking pad. Be that as it may, it does not appear to be in the best interests of the community to grant the variance, due to the strong opposition of these neighbors. Therefore, this variance request shall be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of March, 1995 that the Petition for Variance seeking relief from Sections 427 and 400.1 of the Baltimore County

- 4 -

ORDER RECEIVED FOR FILING
Date 3/24/95
By [Signature]

ty Zoning Regulations (B.C.Z.R.) to permit an existing fence height of 48 inches in lieu of the maximum permitted 42 inches, and to permit an accessory structure (detached carport) to be located in the front yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED, and is subject to the following restrictions:

- 1) The Petitioners are hereby made aware that a 30-day appeal period runs from the date of this Order, during which time any party may file an appeal. In the event an appeal is filed and this Order is reversed, the relief denied herein shall be null and void.
- 2) Within sixty (60) days of the date of this Order, the Petitioners shall reduce the height of the remaining fence to no greater than 42 inches, the maximum height permitted by the B.C.Z.R.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs

Timothy M. Kyrocco
TIMOTHY M. KYROCCO
Deputy Zoning Commissioner
for Baltimore County

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

March 30, 1995

(410) 887-4386

Mr. & Mrs. Ronald Rodriguez
1319 Glenwilde Road
Catonsville, Maryland 21228

RE: PETITION FOR VARIANCE
E/S Glenwilde Road, 50' S of the c/l of Moorefield Road
(1319 Glenwilde Road)
1st Election District - 1st Councilmanic District
Ronald Rodriguez, et ux - Petitioners
Case No. 95-281-A

Dear Mr. & Mrs. Rodriguez:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kyrocco
TIMOTHY M. KYROCCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Robert L. Kennedy
1317 Glenwilde Road, Catonsville, Md. 21228
Ms. Anna L. Yakel
1314 Glenwilde Road, Catonsville, Md. 21228

People's Counsel

File

Printed with Recycled Ink
on Recycled Paper

Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 1319 Glenwilde Road
which is presently zoned DE 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 427 & 400.1 (BCZR)

To allow an existing fence height of 48 inches in lieu of the maximum 42 inches and to allow an accessory structure (detached carport) in the front yard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

- A See attached sheet for Fence Under Hardship
- B See attached sheet for Car Port Under Hardship

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Contract Purchaser/Lessee

Type or Print Name

Signature

Address

City State Zip

Address for Petitioner

Type or Print Name

Signature

Address

City State Zip

Address and phone number of respondent, to be contacted

Address Phone No

Address Phone No

Address Phone No

Address Phone No

Address Phone No

Address Phone No

Address Phone No

Address Phone No

ORDER RECEIVED FOR FILING
Date 3/24/95
By [Signature]

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

Type or Print Name

Signature

Address

City State Zip

Address for Petitioner

Type or Print Name

Signature

Address

City State Zip

Address and phone number of respondent, to be contacted

Address Phone No

Address Phone No

Address Phone No

Address Phone No

Address Phone No

Address Phone No

Address Phone No

Address Phone No

Address Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 30th day of March, 1995, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation, throughout Baltimore County, and that the property be posted.

Zoning Commissioner of Baltimore County

REVIEWED BY: [Signature] DATE: 3/6/95

ESTIMATED FILING DATE: 3/17/95

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on Recycled Paper

ITEM #: 275

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto; in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does do presently reside at 1319 Glenwilde Road

Catonsville, MD 21228

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance:

- (i) Property is a corner lot. The back and one side of the property abut the front and entrance of another property. Additionally, the MAC parking pad is located in the inside front of the applicants' property, in communication with a shared entranceway. These attributes place the property under an unusual number of zoning restrictions, unfairly restricting the applicants in the use of their property.

(ii) No other property in the zoning district has the peculiarities described above.

(iii) All of the attributes described exist as was built by the previous owner.

That Affiant(s) acknowledge(s) that if a process is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

ANS Rose Rodriguez

Ronald Rodriguez Rose Therese Rodriguez

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:

I HEREBY CERTIFY, this 30th day of March, 1995, before me, a Notary Public of the State of Maryland, and for the County aforesaid, personally appeared

Ronald Rodriguez - Rose Therese Rodriguez

the Affiant(s) herein, personally known to me as such, Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal

3/23/95

[Signature]

My Commission Expires

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

Fence Undue Hardship

(i) Applicant must be unable to secure a reasonable return or make any reasonable use of property (mere financial hardship or opportunity for greater profit is not enough).

Applicants will be unable to properly secure property. Additionally, the property will be greatly defaced.

(ii) The difficulties or hardship is peculiar to the subject property in contrast with other properties in the zoning district.

The applicants' plot was divided in a very unusual way. The plot was divided such that it is:
(1) a corner lot,
(2) the back and one side about the front of another property, and
(3) the inner rear corner abuts the neighbors driveway.

No other property in the zoning district has these constraints.

(iii) Hardship was not the result of the applicant's own actions:

Applicant called the zoning office about any and all zoning restrictions regarding fence construction. A building permit was obtained prior to building the fence by the fence contractor. Neither the zoning office nor the fence contractor alerted the applicants to any inconsistencies in the fence's construction.

Car Port: Undue Hardship

(i) Applicant will be unable to protect vehicles from the weather if not allowed to build a carport. Placement of the carport in the typically required space will block the view of the neighbors house, would require destruction and removal of an already existing MAC pad, and greatly diminish the size of an already small back yard.

(ii) Property is a corner lot with the parking pad located in the front, adjacent to a drive way which is shared by three residences. No other property in the zoning district has these peculiarities.

(iii) Property is less than 2 years old and exists as built by the previous owner. Car port should be built on the front inside corner of the property, where the MAC parking pad is already located. In this way, the original intention of the construction is maintained.

Zoning Description

ZONING DESCRIPTION FOR 1319 Glenwilde Road

Election District 1 Councilmanic District 1

Beginning at a point on the east side of Glenwilde Road which is 50 feet wide at a distance of 50 feet south of the centerline of the nearest improved intersecting street Moorefield Road which is 50 feet wide. *Being Lot #2, Block 1300.

Section #8 in the subdivision of Westview Park as recorded in Baltimore County Plat Book #84, Folio #41, containing 0.174 Acres and 7,563 Square Feet.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1st Date of Posting: 2/17/95
Posted for: Ronald & Rose Rodriguez
Petitioner: 1319 Glenwilde Rd
Location of property: 1319 Glenwilde Rd
Location of Sign: 1319 Glenwilde Rd
Remarks: 1319 Glenwilde Rd
Posted by: [Signature] Date of return: 2/24/95
Number of Signs: 1

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on March 10, 1995 at 2:00 p.m. in the 106 County Office Building.

Case: 95-281-A (Item 275)
1319 Glenwilde Road
50' S of c/l Moorefield Road
1st Election District
1st Councilmanic District
Legal Owner(s): Ronald Rodriguez and Rose Rodriguez
Hearing: FRIDAY, MARCH 10, 1995 at 2:00 p.m. in the 106 County Office Building.

Variance to allow an existing fence height of 48 inches in lieu of the maximum 42 inches and to allow an accessory structure (detached carport) in the front yard in lieu of the required rear yard.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/23, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/23, 1995.

THE JEFFERSONIAN
A. Henrichson
LEGAL AD. TOWSON

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 275
Petitioner: RON and ROSE RODRIGUEZ
Location: 1319 Glenwilde Rd Catonsville MD 21228
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Ron Rodriguez
ADDRESS: 1319 Glenwilde Rd
Catonsville MD 21228
PHONE NUMBER: (410) 744-9318

AJ:ggg

(Revised 04/09/93)

TO: FOTOMART PUBLISHING COMPANY
2/23/95 Issue - Jeffersonian

Please forward billing to:

Ron Rodriguez
1319 Glenwilde Road
Catonsville, MD 21228
410-744-9318

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-281-A (Item 275)
1319 Glenwilde Road
50' S of c/l Moorefield Road
1st Election District - 1st Councilmanic
Legal Owner(s): Ronald Rodriguez and Rose Rodriguez
HEARING: FRIDAY, MARCH 10, 1995 at 2:00 p.m. in Room 106, County Office Building.

Variance to allow an existing fence height of 48 inches in lieu of the maximum 42 inches and to allow an accessory structure (detached carport) in the front yard in lieu of the required rear yard.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

FEBRUARY 16, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

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Variance to allow an existing fence height of 48 inches in lieu of the maximum 42 inches and to allow an accessory structure (detached carport) in the front yard in lieu of the required rear yard.

Arnold Jablon
Director

cc: Ronald and Rose Rodriguez
Robert Kennedy

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Recycled Ink on Recycled Paper



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-281-A
Account: R0C1-6150
Number: # 275

Date: 2/16/95

RODRIGUEZ - 1319 GLENWILDE RD.

CIO - Varnish ... \$ 50.00
CIO - Sign ... \$ 35.00

\$ 85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 2, 1995

Mr. and Mrs. Ronald Rodriguez
1319 Glenwilde Road
Catonsville, Maryland 21228

RE: Item No.: 275
Case No.: 95-281-A
Petitioner: Ronald Rodriguez

Dear Mr. and Mrs. Rodriguez:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on February 06, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Printed with Recycled Ink on Recycled Paper



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

2-21-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 275 (JRF)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2289 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM DATE: 2-21-95
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 2-21-95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 265
274
275
277
279
280
281
283

Burns Kelly
3-1-95

LS:sp

LETTY2/DEPRM/TXTS8P

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: February 27, 1995
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for February 27, 1995
Items 275, 276, 278, 280 and 282.

The Developers Engineering Section has reviewed the subject zoning item and we have no comments.

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: February 22, 1995

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 275, 279, and 282

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*

Division Chief: *Cary L. Leam*

PK/JL

ITEM275/PZONE/TXTJWL

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-1500

DATE: 02/16/95

Arnold Jablon,
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LE ACTION: DISTRIBUTION MEETING OF FEB. 21, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

2. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 265, 275, 276, 277, 278, 279, 280 AND 282.

RECEIVED
FEB 21 1995
ZADM

REVIEWER: LT. ROBERT P. SHUERWALD
Fire Marshal Office, PHONE 887-4681, MG-1102F

cc: File

Printed on Recycled Paper

PitneyBowes

March 8, 1995

To Whom It May Concern:

I am a resident on 1312 Glenwild Road Baltimore, Md. 21228. It is my opinion that the construction of a carport across the street would take away from the natural ambience of the community. A structure such as the one proposed will be highly visible and look cumbersome to the neighborhood.

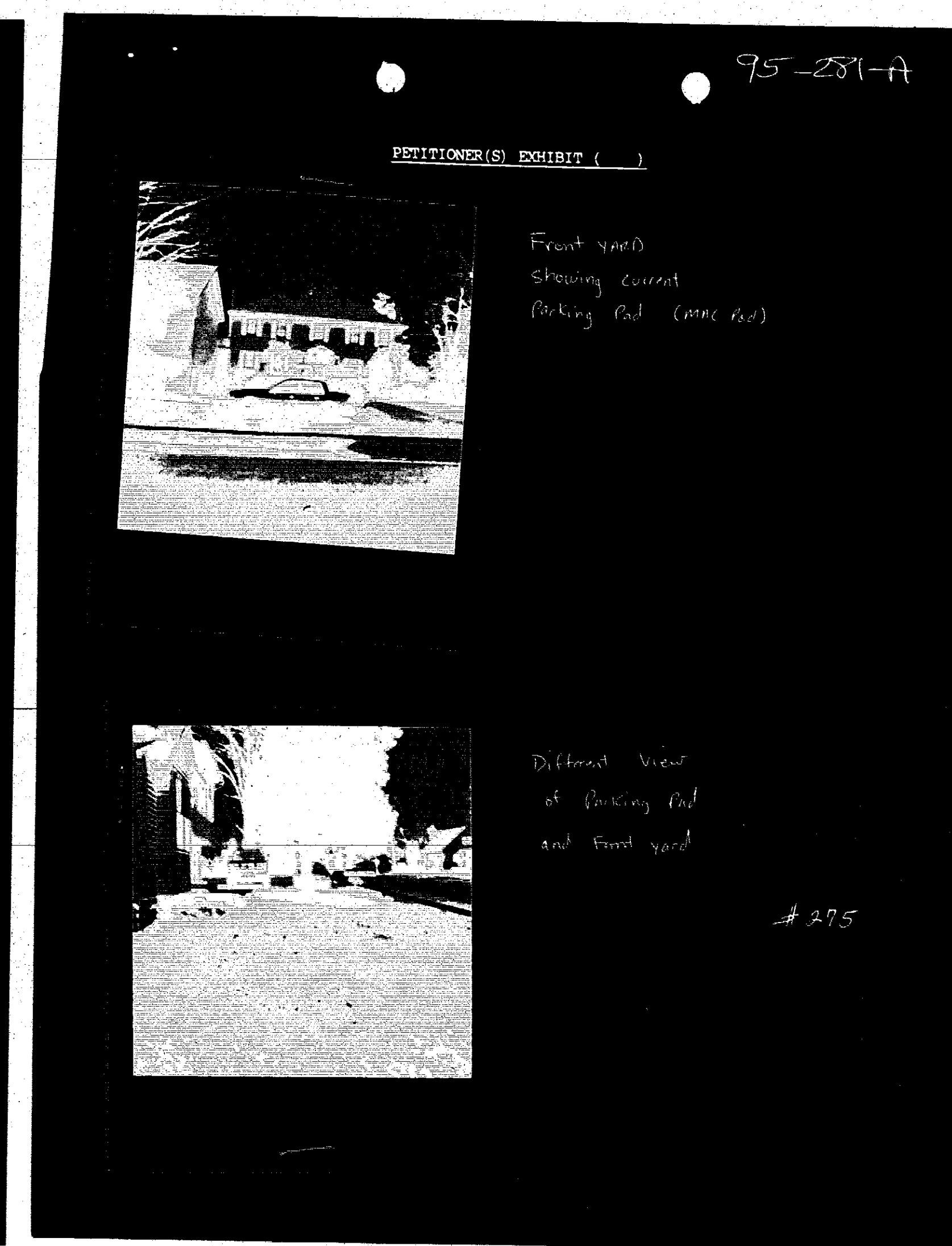
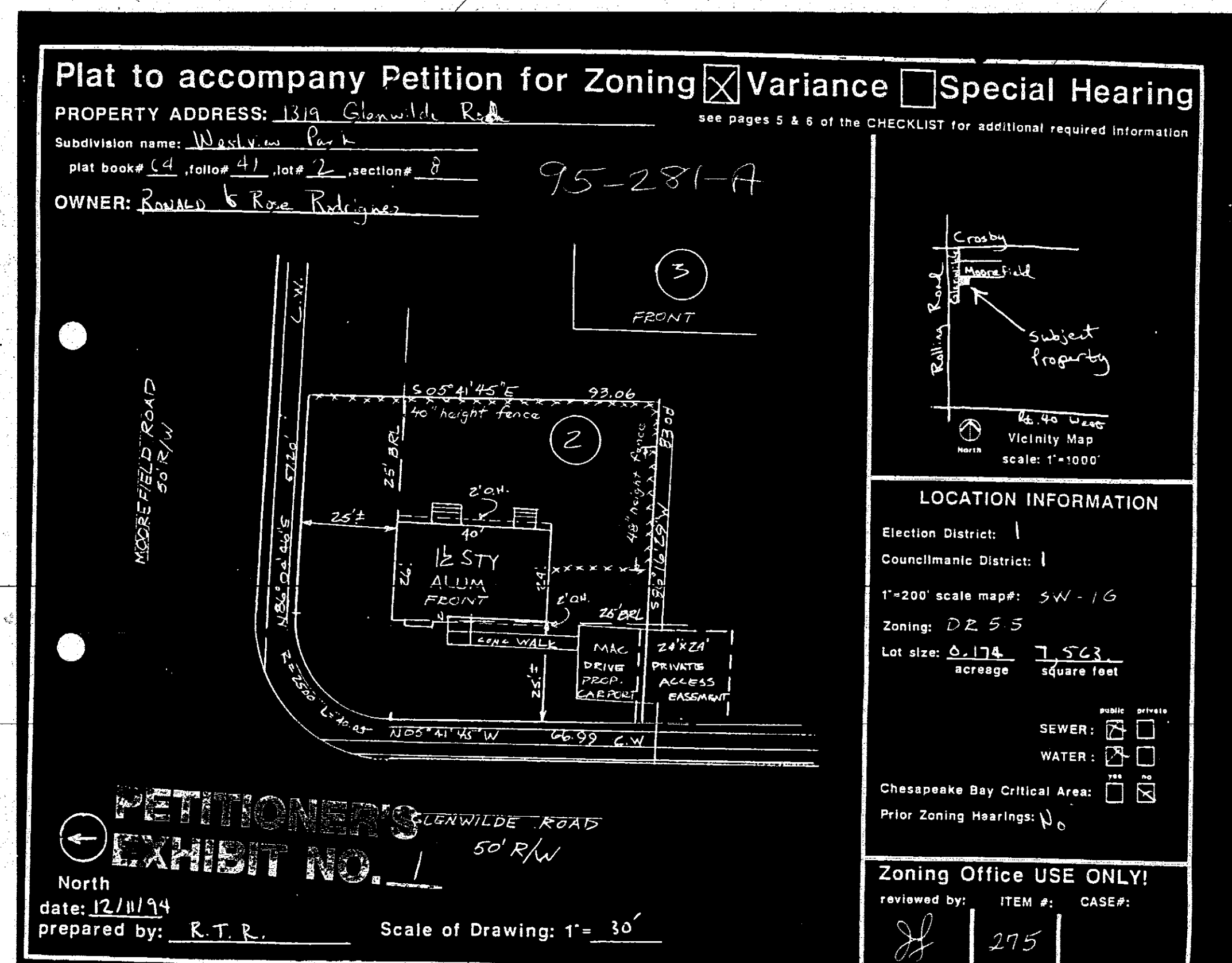
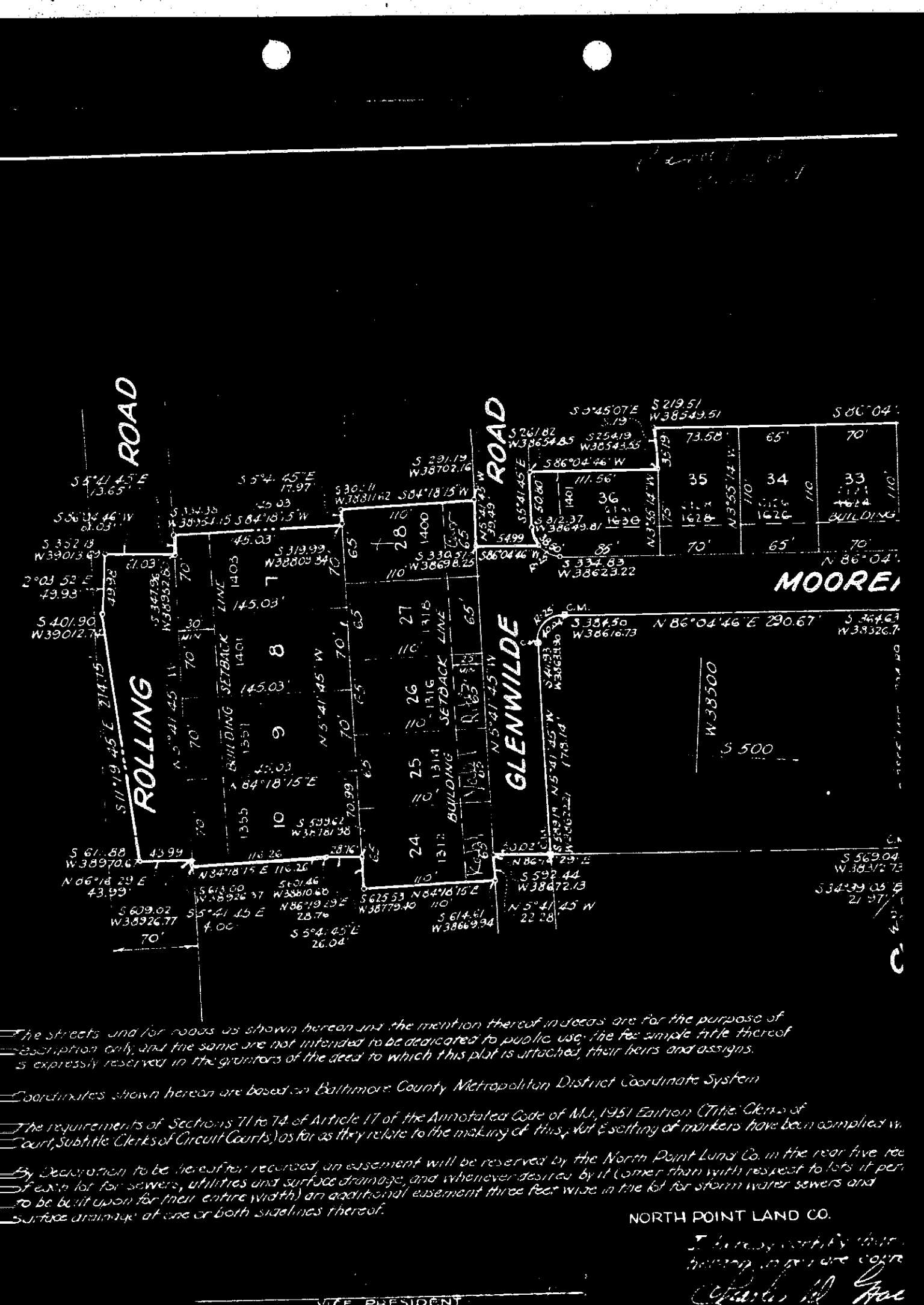
I do not believe that the developers of this community intended such construction projects. This is evident in the fact that space is very limited in this area.

Please be advised that I do not support nor approve of the development of a car port on Glenwild Road or any road in Westview Park.

Sincerely,

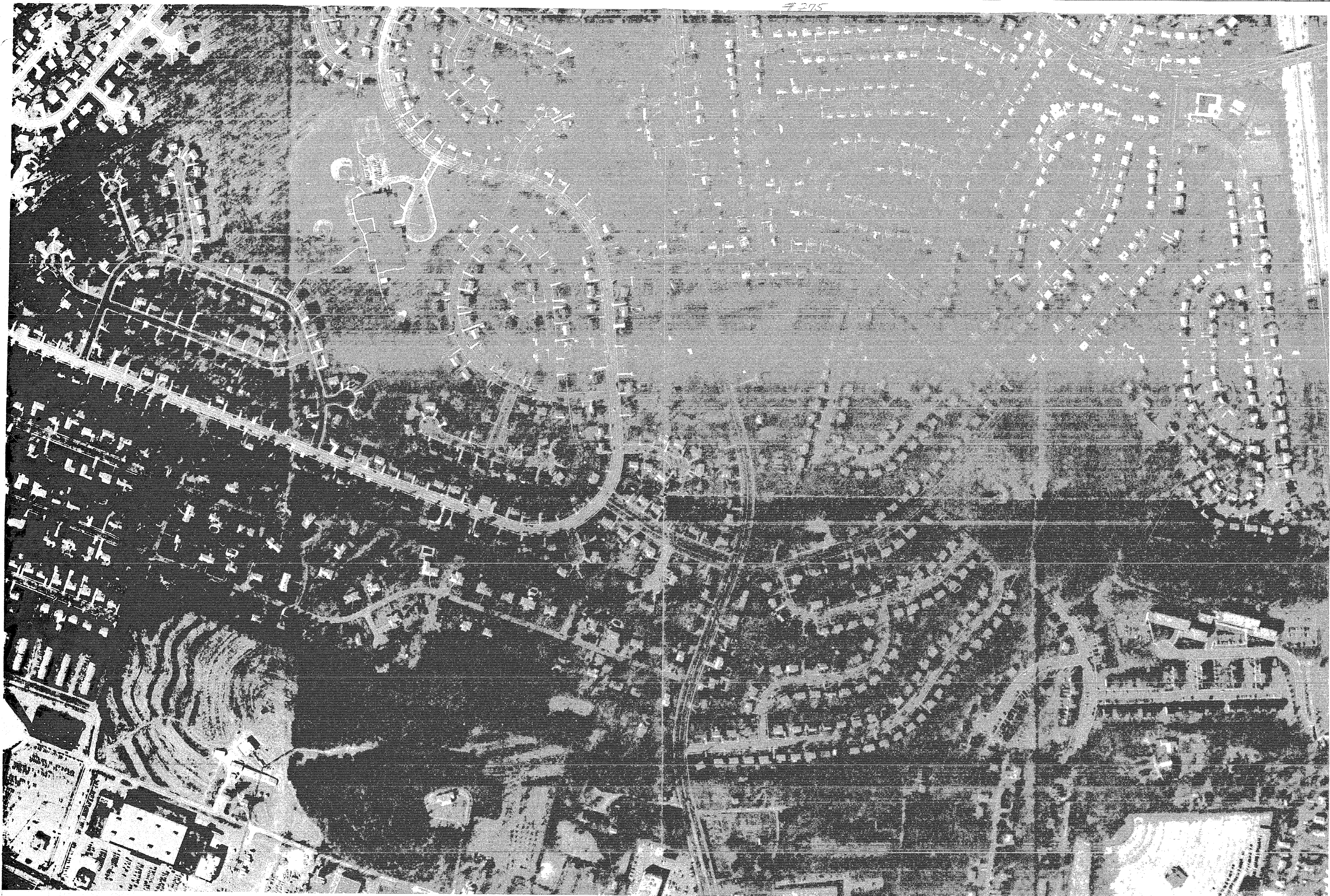
G/K

Craig Kahl



add'l. photographs
 Case 95-281-A





#275

95-281-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	CATONSVILLE	S.W. 1-G
DATE OF PHOTOGRAPHY JANUARY 1986		